

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	LaRosa et al.	Art Unit :	1648
Serial No. :	10/766,610	Examiner :	Agnieszka Boesen
Filed :	January 27, 2004	Conf. No. :	3808
Title :	HUMANIZED ANTI-CCR2 ANTIBODIES AND METHODS OF USE THEREFOR		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION OF AVAILABILITY

I, Laurie Butler Lawrence, hereby declare:

1. I am an attorney of record in the above-captioned patent application.
2. Millennium Pharmaceuticals, Inc.(at 40 Landsdowne Street Cambridge, MA 02139, U.S.A., Inc.) is the assignee of the entire right, title and interest in the invention described and claimed in the above-captioned patent application by virtue of the following chain of title from the inventors of the patent application identified above, to the current assignee:

a) From Gregory J. LaRosa, Christopher J. Horvath, Walter Newman, Theresa O'Keefe, Ph.D. to Millennium Pharmaceuticals, Inc. recorded in the Patent and Trademark Office at Reel 012511, Frame 0380 on 1/23/2002.

b) From S. Tarran Jones and Siobhan H. O'Brien to Medical Research Council Technology recorded in the Patent and Trademark Office at Reel 012511, Frame 0350 on 1/23/2002.

c) From Medical Research Council Technology to Millennium Pharmaceuticals, Inc. recorded in the Patent and Trademark Office at Reel 012511, Frame 0448 on 1/23/2002.

3. Under the terms of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure, hybridoma HB-12549 disclosed in above-referenced patent application was deposited on behalf of LeukoSite, Inc., 215 First Street, Cambridge, Mass. 02142, U.S.A. on July 17, 1998, with the American Type Culture Collection, Rockville, MD, 20852, USA, where

it was given Accession Number HB-12126. LeukoSite Inc. was merged with Millennium Pharmaceuticals, Inc. on March 16, 2000, see the attached Merger Certificate.

4. Millennium Pharmaceuticals, Inc. agrees that upon allowance and issuance of the above-captioned patent application as a United States Patent, all restrictions on the availability to the public of the deposits will be irrevocably removed, and until such time, the materials will be available during the pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. 1.14 and 35 U.S.C. § 122.

5. Millennium Pharmaceuticals, Inc. further agrees that the deposited materials will be maintained with all the care necessary to keep it viable and uncontaminated for a period of at least five (5) years after the most recent request for the furnishing of a sample of one of the deposited materials, and in any case, for a period of at least thirty (30) years after the respective deposit date for each of the deposits or for the enforceable life of the patent, whichever period is longer and that the deposited materials will be replaced if the depository should be unable to furnish a sample when requested due to the condition of the requested deposit, such as inviability, contamination, or loss of capability to function in the manner described in the specification.

6. All statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

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Attorney's Docket No.: 10448-218002 / MPI98-  
129CP3WODV1

Please apply any charges or credits to Deposit Account No. 06-1050, referencing Attorney  
Docket No. 10448-218002.

Respectfully submitted,

Date: 12/18/06

Laurie Butler Lawrence  
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Reg. No. 46,593

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State of Delaware  
Office of the Secretary of State

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I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"LEUKOSITE, INC." A DELAWARE CORPORATION,

WITH AND INTO "MILLENNIUM PHARMACEUTICALS, INC." UNDER THE NAME OF "MILLENNIUM PHARMACEUTICALS, INC." A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE SIXTEENTH DAY OF MARCH, A.D. 2000, AT 5:30 O'CLOCK P.M.

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*Edward J. Freel*  
Edward J. Freel, Secretary of State

0512437

AUTHENTICATION:

DATE:

06-21-00

# CERTIFICATE OF OWNERSHIP AND MERGER

## MERGING

LeukoSite, Inc.  
(a Delaware corporation)

## INTO

Millennium Pharmaceuticals, Inc.  
(a Delaware corporation)

Millennium Pharmaceuticals, Inc., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware (the "Corporation"), does hereby certify:

FIRST: That the Corporation was incorporated on the 13th day of January, 1993 pursuant to the General Corporation Law of the State of Delaware.

SECOND: That the Corporation owns all of the outstanding shares of each class of the stock of LeukoSite, Inc., a corporation incorporated on the 1st day of May, 1992 pursuant to the General Corporation Law of the State of Delaware.

THIRD: That the Executive Committee of the Board of Directors of the Corporation, by written consent effective as of the 13th day of March, 2000, duly adopted the following resolutions:

RESOLVED: That, pursuant to Section 253 of the Delaware General Corporation Law, the Corporation is hereby authorized to merge LeukoSite, Inc., a Delaware corporation which is a wholly owned subsidiary of the Corporation, into the Corporation;

RESOLVED: That the President and Secretary of the Corporation be and each hereby is, authorized to execute a Certificate of Ownership and Merger with respect to the merger of LeukoSite, Inc. into the Corporation, cause the same to be filed with the Secretary of State of Delaware and take all such other actions and to execute all such other instruments and agreements as they or any of them may deem appropriate to effect such merger;

RESOLVED: That the merger of LeukoSite, Inc. into the Corporation shall be effective upon the filing of a Certificate of Ownership and Merger with the Secretary of State of Delaware.

IN WITNESS WHEREOF, the Corporation has caused this Certificate to be signed by its authorized officer this 15<sup>th</sup> day of March, 2000.

MILLENNIUM PHARMACEUTICALS, INC.

By: W. S. J. [Signature]

Title: Secretary  
Jack Douglas